



Emersons Green Primary School

### Complaints Procedure

Complaints against schools can take many forms and can be noticed in a variety of ways. Good judgement is required by the Head and staff to resolve an issue so that a concern may not become a complaint however the Governors recognise that this may not always be possible. The Head will need to give clear guidance to all staff as to when it is appropriate to refer a complaint to the Head or Chair of Governors.

#### Receipt of Complaints

The Head will try to resolve a complaint simply and amicably but if this is not possible a formal complaint should be put in writing and referred to the Governing Body via the Clerk of Governors. The Governing Body are committed to investigating and resolving all complaints in the shortest time possible taking into account the interests of all parties involved

- ❖ All formal complaints must be in writing and referred to the Governing Body via the Clerk, (unless the Head is able to resolve simply and amicably).
- ❖ The Clerk's record shall show:-
  - Who made the complaint
  - When
  - Whom to
  - What it concerns
  - Route taken
  - Eventual outcome
- ❖ This record shall be kept for six years from the resolution of the complaint.
- ❖ Complaints may be referred from a variety of sources and this alone may determine whether or not it is referred to the Governors. If a complaint is dealt with by the Headteacher then notes shall be kept and these should be made available to the Governors at a later date should they be needed.
- ❖ Any complaint on a matter of policy shall be referred immediately to the Chair of Governors.
- ❖ All complaints received by the Clerk shall immediately be referred to the Chair of Governors who will initially consider the way forward i.e.
  - Whether this is a matter for the Head
  - Or, if the Head has already considered this, whether a Complaints Panel should be convened
  - Or whether the matter should be referred to the Education Service. (Which will be required in circumstances listed in appendix 1)
- ❖ The Clerk will acknowledge receipt of the complaint within 2 working days and advise a realistic timescale for the Governing Body to consider it. The complainant should also be advised that

they will be kept informed of the process being adopted by the Governors and any final decision and how this will be communicated.

- ❖ If at any time it becomes apparent that the complaint involves some form of financial compensation the investigation shall be suspended whilst advice is sought from the Risk and Insurance Authorities.
- ❖ Should a complaint be brought to an individual Governor they should not act unilaterally to investigate or make any prior judgement about it but should advise the complainant of the process to be followed as detailed in this policy.
- ❖ Individual complaints should not initially be raised at Full Governors Meetings in order to avoid prejudicing Governors who may become involved at any subsequent stage of the process. So that they are seen to be given proper consideration the existence of a complaint and its nature shall be reported briefly so that clear agreement as to how it should be dealt with shall be recorded.

#### Investigation of the complaint

- ❖ If considered a matter for a Complaints Panel this shall consist of a minimum of three Governors who should have had no previous dealings with the matter and they shall aim to meet within 15 working days to consider the way forward.
- ❖ The complainant will be invited to address the investigating Governors in order to clarify the complaint and to explain the resolution that they are seeking.
- ❖ Written permission to copy any documentation needed to personnel named in the complaint should be obtained, if appropriate.
- ❖ Any personnel involved in the complaint should be given a copy of the documentation and invited to respond. (Should the outcome likely to be a disciplinary sanction they should be advised of their right to seek advice from their professional association). Any other person involved in the complaint should be consulted.
- ❖ Care should be taken if pupils are to be involved in any investigation as parental permission and accompaniment of an adult will be required.
- ❖ Confidentiality needs shall be emphasised at all times.
- ❖ A written record shall be made of all interviews conducted and this should include who were present, all questions asked and responses given. Where appropriate the record should be checked and agreed with the person concerned.

#### Consideration of the complaint

The Governors Complaints Panel shall then consider

1. Is the complaint justified?
2. To what extent?  
No foundation  
Some elements of concern  
Serious concern
3. On what grounds?  
Inappropriate action by an individual  
Inappropriate practice/policy of the school  
Some other reason
4. What remedial action is to be taken?  
Can the complaints panel undertake this?

Is this a matter for disciplinary sanctions in which case the disciplinary procedure will have to be followed and it may become necessary to suspend the complaints procedure.  
If a matter of school practice/policy the Head teacher and Full Governing Body will need to consider the issues raised.

#### Resolution of the complaint

- ❖ The outcome will be advised to the complainant as previously advised and to any others involved both in person and in writing. Consideration will be given to whether or not further discussion will be helpful and whether or not an apology is necessary.
- ❖ Any staff involved shall be informed of the outcome i.e. no case, points for future consideration or disciplinary case to answer.
- ❖ Action taken to remedy the situation and or recommendations to full governing body (no discussion should take place if the matter needs to be referred to a disciplinary hearing).
- ❖ This is the only stage at which the Full Governing Body should become involved.

#### Further Action

- ❖ On occasions it may be necessary to contact the complainant again i.e. if the Full Governing Body decided to review school policy after considering recommendations arising from a complaints investigation.
- ❖ Further action may arise as a result of a complainant being dissatisfied with the outcome and this may become a complaint against the full governing body. Complainants will have the right of appeal to the Local Education Authority; if they consider that the Governing Body has acted unreasonably, or not dealt with their case fairly and according to the Governors' published policy and practice on complaints.
- ❖ If the procedure has been suspended pending a disciplinary action it will be necessary to keep the complainant informed as to the likely timescale in which the complaints procedure will be reactivated.
- ❖ The complainant should not however be provided with details of any disciplinary action taken.

#### **CONCLUSION**

In addition to the above complaints policy and procedure the school will deal with any complaint following South Gloucestershire's guidelines available from the school on request.

#### Appendix 1

The following complaints fall within certain categories for which there is a specific procedure and timescale. Unless otherwise stated, the duty to consider these complaints rests either with the Education Service or the Corporate Services Department of the Council.

These categories are: -

- 1 Complaints about the curriculum under section 23 of the Education Reform Act 1988 as consolidated in the 1996 Education Act.
- 2 Complaints about failure to assess a child's special education needs.
- 3 The exclusion of pupils from school.
- 4 Child protection

In all cases concerning complaints against the curriculum the initial point of contact in the Education Service is Ken Samson Senior School improvement Adviser (01454 868686)